

United States District Court  
District of Maine

Jane Doe, as mother and next friend of  
her son, minor Jack Doe, et al.

Plaintiffs,

v.

Brunswick School Department, Town  
of Brunswick, Maine.

Defendant.

Civil No.: 2:15-cv-00257-DBH

**Supplemental Motion of Plaintiff Jane Doe to Approve Settlement  
on Behalf of her Minor Son**

Under Local Rule 41.2 of this Court, Plaintiff Jane Doe, as mother and next friend of her minor son Jack Doe, supplements her pending motion (ECF No. 54) requesting that the Court approve the settlement of this action on behalf of minor Jack Doe.

First, in order to make the proposed settlement possible, counsel for Plaintiff Jane and Jack Doe have agreed to receive no compensation for the large majority of their time spent working on this case. As detailed below, their daily time records document 1,182.85 hours of time devoted to this case totaling \$398,300.50 in attorneys' fees.

The daily time records of Attorney David Webbert document that as of November 10, 2016 he had devoted at least 382.9 hours to this case and his firm (Johnson, Webbert & Young, LLP) had devoted an additional 149.6 hours of work to this case. Based on the firm's standard hourly rates that are billed to regular hourly-fee clients, the hourly fees for these 532.50 hours of work total \$206,139.25.

The daily time records of Attorneys Gary Goldberg and Christopher Harmon (with the law firm of Terry Garmey & Associates) document that as of August 12, 2016 they had devoted at least 324.25 hours to this case. Based on the hourly rates of \$475 and \$225 respectively, the hourly fees for this work total \$94,331.25.

The daily time records of Attorney Courtney Beer (with Pine Tree Legal Assistance, Inc.) document that as of August 16, 2016 she had devoted at least 326.10 hours to this case. Based on the hourly rate of \$300, the hourly fees for her work total \$97,830.

Second, additional evidence of the high level of diligence and commitment of counsel to Jane and Jack Doe is found in the objective indicia of counsel's work ethic. For example, they took videotaped depositions of 18 separate witnesses and even resumed five of those depositions on a second day after new information was discovered due to their persistence in seeking discovery. They also prepared for intensively and defended two separate days

of videotaped depositions of the minor Jack Doe and depositions of Jane Doe, Jack Doe's father, and their educational expert by remote video connection to California. Thus, they represented their clients at 28 separate depositions. They also designated three separate expert witnesses.

Third, counsel for Jane and Jack Doe have incurred itemized expenses in excess of \$23,108.37 in this case. Those expenses include out-of-pocket payments made by counsel out of their own funds for the following:

- \$400 for this Court's complaint filing fee;
- \$11,167.43 to court reporters and videographers in connection with depositions; and
- \$9,850.08 to Plaintiff's educational expert witness, Marian B. Stephens, Ed.D., from California.

Fourth, in order to simplify and clarify the nature and terms of the proposed means for preserving the settlement funds of \$50,000 for Jack Doe, they are amended as follows:

- a. The funds will be promptly deposited into a separate account with the Atlantic Regional Credit Union in Brunswick, Maine;
- b. The funds may be withdrawn from this separate account, while Jack Doe remains a minor under the age of 18, by Jane Doe if she files a sworn affidavit with the Atlantic Regional Credit Union in Brunswick, Maine certifying that the amount of funds she is withdrawing are being withdrawn to pay expenses reasonably related to Jack Doe's pursuit of his post-secondary education; and, if any funds remain when Jack Doe

turns age 18, Jack Doe will have the sole authority to withdraw such funds and for any purpose he deems appropriate.

An amended proposed Order is attached.

Respectfully submitted,

Date: November 18, 2016

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### Certificate of Service

I hereby certify that on November 18, 2016 I electronically filed this court filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

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